

Laurent, David

From: Disher, Todd
Sent: Friday, October 9, 2020 10:23 AM
To: Nina Perales
Cc: Robins, Jeffrey (CIV); Mayur Saxena; Douglas Hallward-Driemeier; Ehrlich, Philip; Samantha Serna; Biggs, Adam; Laurent, David
Subject: RE: DACA - Plaintiffs' Motion for Summary Judgment

Nina,

It is undisputed that the States spend money to provide Medicaid services. We have asserted that from our very first filing in this case on May 1, 2018. You've had years to do discovery on that fact, and your own witnesses confirm it. Beyond the hundreds of pages of documents produced and testimony you've taken in three depositions, Arkansas has no additional information to provide.

We're happy to take this up with the Court if you don't want to pull down the motion that seeks relief we have now agreed to.

Todd

Todd Lawrence Disher

Deputy Chief
Special Litigation Unit
Office of the Attorney General of Texas
P.O. Box 12548 (MC 009)
Austin, TX 78711-2548
(512) 936-0677
todd.disher@oag.texas.gov

From: Nina Perales <nperales@MALDEF.org>
Sent: Friday, October 9, 2020 10:09 AM
To: Disher, Todd <Todd.Disher@oag.texas.gov>
Cc: Robins, Jeffrey (CIV) <Jeffrey.Robins@usdoj.gov>; Mayur Saxena <Mayur.Saxena@law.njoag.gov>; Douglas Hallward-Driemeier <Douglas.Hallward-Driemeier@ropesgray.com>; Ehrlich, Philip <Philip.Ehrlich@ropesgray.com>; Samantha Serna <sserna@MALDEF.org>; Biggs, Adam <Adam.Biggs@oag.texas.gov>; Laurent, David <David.Laurent@oag.texas.gov>
Subject: Re: DACA - Plaintiffs' Motion for Summary Judgment

Todd,

Thank you for your email. Defendant-Intervenors do not agree that "Plaintiff States incur some cost to provide Medicaid services." To the extent that Plaintiffs plan to assert this in the case, Defendant-Intervenors are entitled to take discovery on this topic.

If Plaintiffs do not plan to make this assertion, we can discuss a stipulation on our call at 1pm.

I will circulate the dial-information shortly.

Nina Perales

Vice President of Litigation
Mexican American Legal Defense
and Educational Fund, Inc. (MALDEF)
110 Broadway Suite 300
San Antonio TX 78201
ph (210) 845-5147

On Oct 9, 2020, at 9:40 AM, Disher, Todd <Todd.Disher@oag.texas.gov> wrote:

Nina,

Plaintiff States are not going to rely on specific “evidence of Arkansas Medicaid expenditures on DACA recipients” as stated in your motion to compel or, in the alternative, motion to strike. DACA recipients are eligible to receive some Medicaid services, and Plaintiff States incur some cost to provide those services. But Plaintiff States are not going to introduce as evidence any of the Arkansas-specific information produced in response to Intervenor’s discovery requests.

Please withdraw the motion you filed on Wednesday. This should obviate the need for our phone call this afternoon.

Todd

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Deputy Chief
Special Litigation Unit
Office of the Attorney General of Texas
P.O. Box 12548 (MC 009)
Austin, TX 78711-2548
(512) 936-0677
todd.disher@oag.texas.gov

From: Nina Perales <nperales@MALDEF.org>
Sent: Thursday, October 8, 2020 5:14 PM
To: Disher, Todd <Todd.Disher@oag.texas.gov>
Cc: Robins, Jeffrey (CIV) <Jeffrey.Robins@usdoj.gov>; Mayur Saxena <Mayur.Saxena@law.njoag.gov>; Douglas Hallward-Driemeier <Douglas.Hallward-Driemeier@ropesgray.com>; Ehrlich, Philip <Philip.Ehrlich@ropesgray.com>; Samantha Serna <sserna@MALDEF.org>; Biggs, Adam <Adam.Biggs@oag.texas.gov>; Laurent, David <David.Laurent@oag.texas.gov>
Subject: Re: DACA - Plaintiffs' Motion for Summary Judgment

Todd,

Perez Defendant-Intervenors do not oppose as long as Plaintiffs agree not to oppose a similar request for page limit enlargement by Defendant-Intervenors.

Nina Perales
Vice President of Litigation
Mexican American Legal Defense
and Educational Fund, Inc. (MALDEF)
110 Broadway Suite 300

San Antonio TX 78201
ph (210) 845-5147

On Oct 8, 2020, at 4:58 PM, Disher, Todd <Todd.Disher@oag.texas.gov> wrote:

Counsel,

We are going to seek leave from the Court to file a Motion for Summary Judgment that is approximately 47 pages, similar to our original filing. Please let me know by noon tomorrow whether you oppose.

Todd

Todd Lawrence Disher

Deputy Chief

Special Litigation Unit

Office of the Attorney General of Texas

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Austin, TX 78711-2548

(512) 936-0677

todd.disher@oag.texas.gov